



U.S. Department of Justice

Michael J. Sullivan
United States Attorney
District of Massachusetts

Main Reception: (617) 268-2100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

June 28, 2005

BY FAX & REGULAR MAIL.

Ellen M. Caulo
Deputy General Counsel
Suffolk County Sheriff's Department
200 Nashua Street
Boston, MA 02114

Re: Sheila Porter v. Andrea Cabral, et al., Civ. A. No.: 04-11935-DPW –
Information Request of April 29, 2005 and June 10, 2005 Subpoenas to Special
Agents Maureen Robinson and Christa Snyder

Dear Attorney Caulo,

I am writing to inform you that, pursuant to 28 C.F.R. § 16.21, *et seq.*, I have decided not to authorize the testimony or production of documents from Special Agents Maureen Robinson and Christa Snyder of the Federal Bureau of Investigation ("FBI"), or the production of documents from the FBI, which you have requested on behalf of the defendants, Andrea Cabral, *et al.*, in the above-captioned matter.

Specifically, your letter of April 29, 2005, requests any and all information related to the placing of a wire or recording device on Suffolk County House of Correction (HOC) inmate Rene Rosario, in or about November 2002 while he was incarcerated at the HOC. Your request further seeks any and all information regarding the cooperation of and information received from Sheila Porter, R.N., a former contract nurse working at the HOC, regarding inmate Rene Rosario and the HOC. Similarly, your subsequent subpoenas of June 10, 2005, request that FBI Special Agents Maureen Robinson and Christa Snyder provide of any and all information and documents in the possession of the FBI relating to [Ms. Porter's] cooperation with the FBI including but not limited to her communications with the FBI regarding allegations made by inmate Rene Rosario in or about May 2003, her status as an

informant for the FBI, the information she has provided to the FBI from 1999 to date, and her involvement in the placing of a recording device on inmate Rene Rosario in or about November 2002.

In response to a similar request from Ms. Porter's counsel, I have previously authorized the execution of an affidavit from Special Agent Christa Snyder confirming Ms. Porter's status as an informant concerning events at the HOC. Special Agent Snyder has also been authorized to provide trial testimony, if necessary, within the confines of the affidavit. It is my understanding that you have obtained a copy of this affidavit.

I am denying your request with respect to all information relating to Ms. Porter's communications with the FBI and interactions with any inmates. I am also denying authorization to Special Agents Maureen Robinson and Christa Snyder to provide any such information through deposition testimony or any other means. Release of this information would reveal confidential sources and investigatory records compiled for law enforcement purposes, and would interfere with enforcement proceedings or disclose investigative techniques and procedures the effectiveness of which would thereby be impaired. See 28 C.F.R. § 16.26(b)(4) and (5).

Further, while your request and subpoenas are specific in some respects, they are otherwise too broad and lack any explanation of relevance to the proceeding ("Any and all information. . ." ". . . the information she has provided to the FBI from 1999 to date. . ."). See 28 C.F.R. § 16.22(d). In addition to being too broad, compliance with the request and subpoenas would subject the FBI to undue burden, as provided by Fed. R. Civ. P. 45(c)(3)(A)(iv). The FBI and its Special Agents are involved in the supervision, investigation, and prosecution of thousands of criminal matters, and the potential cumulative burden to the FBI and the Department of Justice of complying with the request for testimony and documents in this case and with like requests in other cases would result in a significant and unacceptable diversion of essential resources.

Accordingly, I will not authorize the FBI to produce information relating to Ms. Porter's communications with the FBI and interactions with any inmates as summarized in your request, or the production of information through testimony or other means by Special Agents Maureen Robinson or Christa Snyder.

Sincerely,



Michael J. Sullivan
United States Attorney

cc: Frank Davis - FBI
Damon Katz - FBI
Maureen Robinson - FBI
Christa Snyder - FBI